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REMARKS

Reconsideration of the above identified application is respectfully requested.

In response to the 3/1/06 final office action, the undersigned attorney conducted a phone interview with the examiner on 3/21/06 to discuss the rejection of independent claims 1 & 19 over the applied references. No agreement was reached.

However, it appears from page 4 of the office action that the examiner is broadly construing the "adhesive dots" of Miles for the adhesive patches recited in Applicants' claims. However, this appears to be in error, and fails to afford ordinary meaning to the different elements as required by the MPEP.

Applicants traverse both the rejection of claims 1-8, 15, 17-19, 22-25, 28, and 29 under Section 102(b) over Miles et al; and the corresponding rejection of claims 9-16, 20, 21, 26, 27, and 30 under Section 103(a) over Miles et al and Mertens et al, which contain similar errors.

Claims 1 & 19 were previously amended to additionally recite the noncontiguous patches and the adhesive-free spaces therebetween which transversely bridge the web.

The RPSA 26 disclosed in Miles is clearly a continuous narrow band.

The examiner cites "Column 5, lines 41-42" for adhesive patches; but that section expressly states: "a fine pattern of adhesive dots . . .," and the examiner has not shown what that pattern would entail other than the fine stipple illustrated in Miles.

The Random House dictionary defines a "dot" as a small, roundish mark made by pen; or a minute or small spot or speck; or anything relatively small and speck-like.

The Random House dictionary defines a "patch" as a small

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piece of material used to mend a tear or break; or a small area of anything.

Clearly, these two words have different meanings and connotations for which the examiner has failed to afford any weight under the broad interpretation thereof typically used before the USPTO.

The MPEP requires the examiner to afford due weight to claim features as would be afforded by one skilled in the art when the features are read in light of the specification.

There can be no doubt that the "dots" of Miles are not the same as the "patches" recited in Applicants' claims, with the former "dots" being specks of de minimis area, and the latter "patches" being substantially larger in area and configuration, and not limited to dot configuration.

Indeed, the examiner's need to distort the meaning of patch vs. dot is well evident in evaluating claim 8,15,25 which the examiner rejects at page 3 of the office action with the mere contention that Miles discloses a "single adhesive patch (Column 12, lines 40-45)."

Col. 12, ll. 40-45, merely indicate that the eyemarks define the cut lines between sheets.

Figure 10 of Miles clearly shows cut sheets 214, with the adhesive "dots" being used by the examiner apparently being quite numerous (see Figure 11), and clearly not corresponding to a single dot per sheet 214. There is no evidence to support the examiner's bald contention, and clearly a single adhesive dot would have no adhesive capability to bond the cut sheet 214 to anything, and would destroy the efficacy thereof.

At page 6 of the office action, the examiner cites MPEP 2123 for not limiting the reference (Miles) to examples.

But MPEP 2123 still requires that one must understand what nonpreferred example is being taught by the reference, and the examiner is not permitted by the MPEP or case law to speculate as to what those other examples would entail.

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Miles clearly illustrates and discloses a continuous narrow band of RPSA for a particular function overlooked by the examiner.

Miles also discloses "a fine pattern of adhesive dots" which would appear to resemble the stippled adhesive 26 shown in figure 5, and the examiner has not shown otherwise.

Claims 1 & 19 also recite the adhesive-free transverse spaces, yet the stippling or dots disclosed in Miles clearly appear random and just as clearly interrupt the adhesive-free region across the web.

The reason for the recited adhesive-free space is to solve the problem of adhesive buildup on the cutting blade as disclosed in para. 50 for example.

In Miles, cutting of the web would clearly also cut the RPSA 26 across the width of the web and allow adhesive to build on the cutting blade.

In view of these fundamental errors in the examiner's application of Miles, the rejections based thereon are unsubstantiated.

In the Section 103 rejection, the examiner repeats the previous contentions for Miles, including the above noted errors; and then admits at page 4 of the office action the many failures in teaching of Miles with respect to the listed claims being rejected.

The examiner then attempts to apply Mertens, which, like Miles, teaches a continuous adhesive or other errors as presented in the last amendment.

At page 5 of the office action the examiner merely opines that the two references would have been combined since both "are directed towards repositionable sheets," yet these contentions clearly do not meet the legal motivation requirements of MPEP ch. 2100, nor meet the stringent standard of MPEP 706.02(j).

The examiner has not conducted any problem solving analysis; has not evaluated the references in the whole; and has

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clearly not evaluated Applicants' claims in the whole, including the benefits thereof disclosed in the specification.

Accordingly, both rejections under Sections 102 and 103 are unsubstantiated and without merit.

However, in the spirit of cooperation extended by the examiner during the phone interview, independent claims 1 & 19 are being similarly amended to further emphasize the nature of the adhesive patches in contradistinction from the RPSA of Miles and Mertens. And, this RCE application is being presented to allow the examiner sufficient time to reconsider the claims and references and the stringent requirements under Section 102 and 103 rejections.

The plurality of labels from claims 11 & 28 are being added to corresponding claims 1 & 19, and therefore removed from the former.

The adhesive-free spaces are configured to isolate the patches in sequential labels and permit cutting of the web in those spaces to solve the adhesive buildup problem disclosed in the specification. See paras. 21, 34, 35, 40, and 50 for example.

The continuous RPSA or dots in Miles would clearly lack any adhesive-free space across the transverse width of the web, and would still effect the adhesive buildup problem.

As for the dependent claims, they recite species lacking any counterpart in Miles and Mertens, and the examiner's reference to MPEP 2123 and alternate embodiments must present suitable evidence of what those embodiments would entail, which is conspicuously lacking in the references.

The examiner is not allowed to speculate as to those alternate embodiments. A Section 102 rejection is quite restrictive and mandates the showing by the examiner in a single reference a single embodiment matching each and every feature recited in a claim; and the examiner has failed to meet this standard.

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Applicants incorporate herein the previous traverse found in the last amendment regarding the examiner's incorrect characterization of the dependent claims and Miles and Mertens.

Furthermore, claims 4 & 5 recite straight edge patches; yet the examiner applies Miles for "dots" which clearly would not have straight edges, nor any distinguishing orientation found in these claims.

Claims 6, 7, 23, & 24 recite rectangular patches, yet the examiner is applying Miles for disparate "dots," and re-characterizes express claim language at page 3 by stating that Miles discloses "rectangular shaped area," yet that area is not what these claims recite. These claims recite rectangular patches, and the dots of Miles are clearly not rectangular.

Claims 8, 15, & 25 recite the single patch per label, yet each label in Miles clearly would have a multitude of "dots" as proffered by the examiner's interpretation thereof.

These are just examples of the many errors presented by the examiner in rejecting the claims under Section 102.

And, the rejection of the claims under Section 103 merely compounds these fundamental errors.

At page 4 of the office action, the examiner repeats the previous, erroneous contentions for Miles; and admits the failing thereof to disclose significant claim features pertaining to the specific species of adhesive patches, and the benefits thereof disclosed in the specification.

Figure 5 of Mertens being used by the examiner clearly shows continuous bands of RSPA, not discrete patches having any relevance to the claims.

The examiner also applies Figure 7 of Mertens, but that figure also shows continuous bands of the RSPA, not discrete patches.

For the arcuate, etc species, the examiner references "Column 8, lines 5-21)" of Mertens. Yet, none of those alternate embodiments is illustrated, and all of those alternate

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embodiments would appear to be continuous longitudinally along the web, and have no relevance to the bands of Miles, or the discrete patches in Applicants' claims; and the examiner has not shown otherwise.

The examiner has already applied Miles for "dots" so why change those dots by Mertens? And, how should those dots be changed?

Conspicuous in the errors being made by the examiner is the mere contention of "oval" patches in Mertens, but where are any such oval patches disclosed or suggested?

The examiner cites "Column 8, lines 5-21," but that section does not disclose oval patches. Where then is the examiner's evidence for this bald contention?

Not only are the species claims being recited by Applicants fundamentally different than the teachings of Miles and Mertens, but those species have advantages and solve problems having no nexus with Miles nor Mertens.

The adhesive patches 38, and their significance, are found repeatedly throughout the specification at paras. 30, 33, 35, 37, 38, 42, 48, 49, and 50, for example.

Paras. 36 et seq disclose the oval species and the benefits thereof, and must be afforded due weight in evaluating the corresponding claims in the whole in accordance with the MPEP.

Para. 38 address in particular the convex edges.

Paras. 42 et seq describe the rectangular species and advantages.

And, paras. 48-50 present a summary of significant advantages and the problems being solved by the various species recited in the various claims for which the examiner has failed to afford due weight.

Section 102 requires identity of elements and cooperation thereof lacking in Miles, and the examiner has not shown otherwise.

Section 103 requires evaluation of elements and cooperation

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and function in the whole, including the benefits disclosed in the specification, and the problems being solved.

Both references Miles and Mertens lack any related problems for which the teachings thereof would be relevant, and the examiner has failed to identify any problem or teaching in these two references for combining them in any manner, let alone in the manner relevant to the various claims being rejected under Section 103.

The examiner's mere conclusory statements at page 5 of the office action are clearly not legal motivation as well defined in ch. 2100 of the MPEP; and are clearly not based on any identified evidence, and are nothing more than mere generalizations failing ab initio to meet the stringent requirements of MPEP 706.02(j).

Claim 30 is being canceled, without prejudice, for introducing features redundant to claim 10; and is being replaced by independent claim 31.

Claim 31 is being derived from independent claims 1 & 19 to recite the salient features of the label roll having a web 20 wound longitudinally in a roll 18, with the web including a train of longitudinally separated identical adhesive patches 38 aligned in a single column to define corresponding labels 12 each having a minor adhesive patch 38 isolated inboard in a surrounding adhesive-free remainder of each label, with the adhesive-free remainder transversely bridging the web 20 longitudinally between the patches 38 to permit adhesive-free cutting of the web to separate the labels.

As indicated above, this novel label roll is disclosed at paras. 23, 28, 29, 31, 39, and 50, for example, and has the significant advantages of readily grasping with gloves and avoiding adhesive buildup when cut between the patches.

As indicated above, the web of Miles includes continuous bands of RPSA in various embodiments lacking these features and advantages.

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And, similarly, the web of Mertens and its continuous bands of RPSCA lack these recited features and advantages.

Accordingly, withdrawal of both rejections under Sections 102 and 103 over Miles et al and Mertens et al is warranted and is requested, and allowance of claims 1-29 and 31 is requested.

Respectfully submitted,



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enclosures:

1. PTO/SB/30 RCE (1 pg)
2. Fee Transmittal for FY 2005 (1 pg)